

City Council
Atlanta, Georgia

AN ORDINANCE
BY: ZONING COMMITTEE

Z-02-05/Z-99-02

02- 0 -0356

AN ORDINANCE TO AMEND ORDINANCE Z-99-02,
ADOPTED BY CITY COUNCIL APRIL 5, 1999 AND
APPROVED BY OPERATION OF LAW APRIL 13, 1999,
REZONING FROM THE RG-2 (RESIDENTIAL GENERAL-
SECTOR 2) DISTRICT TO THE RG-3-C (RESIDENTIAL
GENERAL-SECTOR 3-CONDITIONAL) DISTRICT, PROPERTY
LOCATED AT **3655 PEACHTREE ROAD, N.E.** FOR THE
PURPOSE OF APPROVING A REVISED SITE PLAN AND
CHANGE OF CONDITIONS.
OWNER: FRED FILSOOF
APPLICANT: DAVID GREEN
NPU-B COUNCIL DISTRICT 7

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as
follows:

SECTION 1. That the currently approved site plan governing the development of the property located at **3655 Peachtree Road, N.E.**, more particularly described by the attached legal description identified as Exhibit A, is hereby deleted in its entirety and a revised site plan entitled "Site Plan, 3655 Peachtree Road, Atlanta, Georgia" prepared by Brock Green Architects and Planners, dated January 8, 2002, last revised January 15, 2002, and marked received by the Bureau of Planning January 15, 2002 is hereby adopted in lieu thereof.

SECTION 2. That all other currently approved conditions governing the development of this property shall remain in full force and effect. A copy of Z-99-02 is attached for reference purposes.

SECTION 3. That any conditions approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District regulation variances can be approved only by the Board of Zoning Adjustment in response to the application of a petitioner.

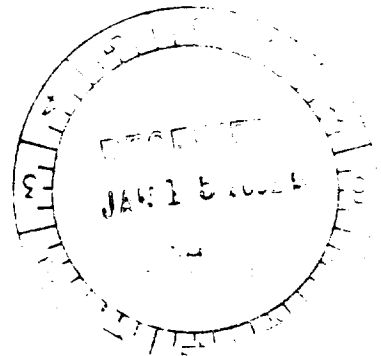
SECTION 4. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

C-1

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 10 of the 17th District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a 1" open top pipe found on the southerly right of way line of Peachtree Road (80 foot right of way), which point is 401 feet easterly as measured along the southerly right of way line of Peachtree Road from its intersection with the easterly right of way line of Roxboro Road; thence running along the southerly right of way of Peachtree Road North $86^{\circ} 38' 29''$ East a distance of 99.44 feet to a point, thence running South $00^{\circ} 42' 00''$ East a distance of 252.71 to a point located on the line dividing Land Lot 10 and Land Lot 9; thence running along the dividing line of Land Lot 10 and Land Lot 9 North $89^{\circ} 59' 13''$ West a distance of 97.28 feet to a 1" crimp top pipe found; thence running North $01^{\circ} 10' 38''$ West a distance of 246.87 feet to a point located on the southerly right of way line of Peachtree Road and The Point of Beginning, as shown on a Survey for Coordinated Properties & First American Title Insurance Company, prepared by Frontline Surveying & Mapping, Inc., Thomas Edward Peay, Jr., Registered Land Surveyor No. 2402, dated December 16, 1999.



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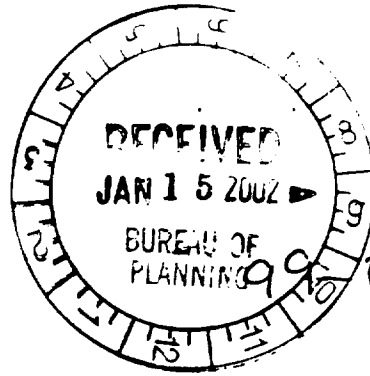
Exhibit A
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A handwritten signature, possibly "L. H. H.", written in ink.

2-02-05/2-99-02



Municipal Clerk
Atlanta, Georgia



99-0220

A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-99-2

AN ORDINANCE TO REZONE PROPERTY FROM THE RG-2 (RESIDENTIAL GENERAL-SECTOR 2) DISTRICT TO THE RG-3-C (RESIDENTIAL GENERAL-SECTOR 3-CONDITIONAL) DISTRICT, PROPERTY LOCATED AT 3655 PEACHTREE ROAD, N.E., AND FOR OTHER PURPOSES.

APPLICANT: TOM ANDERSON FOR SOUTHWEST CAPITAL
GROUP OF GEORGIA, INC.

OWNER: REALMARK PEACHTREE, LLC
NPU-B

COUNCIL DISTRICT 7

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY
ORDAINS:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at 3655 Peachtree Road, N.E. be changed from the RG-2 (Residential General-Sector 2) District to the RG-3-C (Residential General-Sector 3-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 10 of the 17th District, Fulton County, Georgia, being more particularly shown on the attached map.

SECTION 2. That this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta entitled, "Conditional Development", as identified by the use of the suffix "C: after the district designation in Section 1 above. The Director of the Bureau of Buildings shall issue a building permit for the development of the above-described property only in compliance with the following conditions:

1. A site plan similar to the site plan titled, "3655 Peachtree Road, N.E.", by Chapman Coyle Chapman Architects, undated, stamped received by the Bureau of Planning on March 4, 1999, which is revised to show a front yard setback of 20 feet.
2. The fence and gate on the Peachtree Road frontage shall be more than 50% transparent, not solid, and shall be compatible in height and scale to immediately adjacent fencing, subject to approval by the Bureau of Planning. The gate shall remain unlocked and unsecured.

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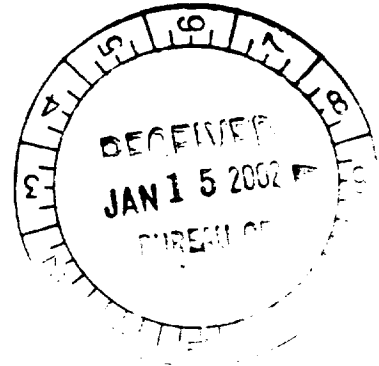
3. The rear and side exterior walls shall be constructed of materials that are consistent with the front exterior walls.
4. Exterior, on-site lighting shall be designed so that it does not spill onto adjoining properties.
5. Construction traffic shall not use interior neighborhood streets.

The conditions approved (including the conditional site plan) do not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of Municipal Clerk, be changed to conform to the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

2-02-05 / 2-99-02

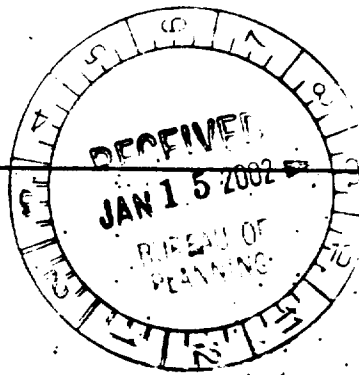


A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED as amended by Council April 5, 1999
RETURNED WITHOUT SIGNATURE BY THE MAYOR
APPROVED as per Section 2-403 of the 1996 Charter

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BLACK/STUCCO ROOMS WITH
FLOOR, ON LOW BLACK/STUCCO
WALL, BETWEEN THE
BLACK/STUCCO FLOORS
! REFERENCE TO NOTE 3 ABOVE.

PEACH TREE ROAD
(VARIABLE R/W)

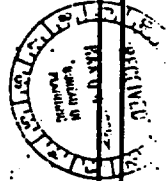
PROPERTY LOCATED IN

LAND LOT 10
17th DISTRICT
FULTON COUNTY



3655 PEACHTREE ROAD
ATLANTA, GEORGIA

Z-99-2



gross land area
21,500 sq ft - gross area
x 2,400 sq ft - gross area
23,900 sq ft - gross land area

[illegible]

No. 10138 W
746.83

252.71
500° 42' 00" E

PROPOSED SITE PLAN

SCALE: 1" = 10'
0.56373 AC.
(14,559 SF)

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ATLANTA LAND DEVELOPMENT CODES